

REMARKS

Claims 1-3, 10, 12, 14, 16, 18 and 20-28 are pending in this application. By this Amendment, the specification and claims 1-3, 12, 14, 16, 21 and 23-25 are amended, claims 4-9, 11, 13, 15, 17 and 19 are cancelled and claims 26-28 are added. Support for the features recited in the independent claims can be found in paragraph [0044], for example.

Claims 12-15 were rejected under 35 U.S.C. §101. By this Amendment, claims 12 and 14 have been amended responsive to the rejection. It is respectfully requested that the rejection be withdrawn.

Claims 1-25 were rejected under 35 U.S.C. §112, second paragraph. By this Amendment, claims 1, 12 and 16 have been amended responsive to the rejection and the rejection of claims 5-9, 13 and 17 has been rendered moot. It is respectfully requested that the rejection be withdrawn.

Claims 1, 2, 4, 11, 12, 15, 16 and 19-25 were rejected under 35 U.S.C. §102(b) over Kozak, U.S. Patent No. 6,415,226, and claims 3, 5-10, 13, 14, 17 and 18 were rejected under 35 U.S.C. §103(a) over Kozak. The rejections are respectfully traversed.

Kozak fails to disclose a navigation system with a controller that detects either a curve or a greater change in altitude than a predetermined value from a previously traveled road, stores a location of the detected curve or the detected change in altitude, and searches for a road that bypasses the location of the detected curve or the detected change in altitude when determining another route, as recited in claim 1 and as similarly recited in claims 12 and 16.

Kozak discloses a navigation system 300 with a route calculation application 310(2). When calculating a route, the route calculation application 310(2) includes certain road segments based on the number of safety systems that are enabled (col. 10, lines 32-36 and 61-65). The safety systems are listed in Fig. 2 (col. 3, lines 27-37). One of the safety systems is an automatic headlight aiming system 210(1) that adjusts the vehicle's headlights based on the

curvature and elevation change of the road (col. 3, lines 44-48). It is more likely that Kozak will not consider curvature or elevation changes because the headlight aiming system 210(1) has a large margin of error relative to other safety systems (i.e., lane departure warning system 210(6)) (col. 10, lines 14-21).

Kozak fails to disclose detecting either a curve or a change in altitude from a previously traveled road, as recited in claims 1, 12 and 16. Although Kozak stores map data including data on a curvature of a road and changes in altitude, Kozak fails to disclose detecting or storing this data from a previously traveled road.

Kozak searches for roads based on a desired number of safety systems. Kozak fails to disclose also searching for (or selecting as recited in claims 26-28) a road that bypasses the location of a detected curve or a detected change in altitude, as recited in claims 1, 12 and 16.

It is respectfully requested that the rejections be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Scott M. Schulte
Registration No. 44,325

JAO:SMS/sxb

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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